

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Zachariah J. Baum

Application No.: 10, 662230

Filed: September 15, 2003
2010

Title:

System and Method for Recommendation of Media Segments

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300



Art Unit: 2162

Examiner: Colan, Giovanna



NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee

☒ Small entity-fee \$ (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.

☐ Other than small entity-fee \$ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of three-page letter

(identify type of reply):

☐ has been filed previously on

☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$

☐ has been paid previously on

☐ is enclosed herewith.

06/04/2010 MRLANCO1 00000024 10662230

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Zachariah J. Baum

Signature

12/25/89

Date

Zachariah J. Baum

Type or Printed name

243 Madison Street

Address

San Francisco, CA 94134

Address

Registration Number, If applicable

415 336-9484

Telephone Number

Enclosures:



Fee Payment



Reply



Terminal Disclaimer Form



Additional sheets containing statements establishing unintentional delay



Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:



Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.



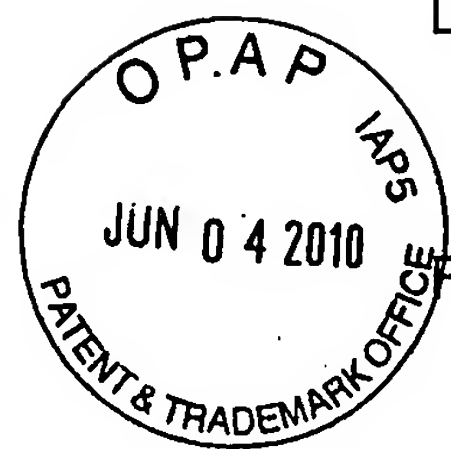
Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate

Date: 5/14/2010



From: Dr. Aaron Baum
1304 Grand Avenue
San Rafael, CA 94901

To: Gionanna Colan
Art Unit 2162
USPTO

Re: Office Action of March 8, 2006 regarding Application #10/662,230

In this office action claims 1-16 of the application (App. No. 10/662,230) were rejected in a non-final action as being anticipated by Eyal et al., US Patent App. Pub. No. 2004/0177096 A1, filed: January 24, 2000. This provisional application has been abandoned and incorporated by reference into US Patent #6,389,467 B1. As this is the only version of Eyal's patent available to the applicants, all references to Eyal below are to US Patent #6,389,467 B1.

The authors of the present application believe that it represents a significant innovation and an improvement on the current state of the art, including that described in Eyal. The present application describes systems and methods for making media recommendations based on user-input criteria (see claims 1 and 9). Eyal also describes, as part of a larger media serving system, means and methods for returning media references based on user-specified criteria, but the methods and means described do not take advantage of lists associating media references *with each other*. The compilation, storage, and analysis of expert-created lists associating media segment references (such as DJ play-lists), enables the described systems and methods to find media related to search criteria that would not have been found by the means described in Eyal (see

claims 1 and 9 of the present invention). This is a significant innovation and improvement.

Eyal describes systems and methods for compiling a database of media resource references, their metadata, and addresses on a network (col. 2, lines 18-20; col. 3, lines 43-46; col. 6, lines 5-10; col. 9, lines 31-37; col. 11, lines 18-19; col. 14, lines 46-49; col. 21, lines 51-57). This is in contrast to the present invention, which describes compiling a database of lists associating media references *with each other*; these lists are then used to find media references frequently listed with those matching user criteria (see claims 1 and 9 of the present application), references that would not have been found using only the criteria-matching approach described in Eyal (col. 26, lines 19-67). The associating lists are not used directly as play-lists for the delivery of media content in the present invention, unlike in Eyal.

Eyal does not describe compiling lists associating media references with each other. The only lists referenced by Eyal (other than the database of media resource references mentioned above) are play-lists which enumerate the individual media resources served to terminals. In Eyal these are generated manually or from the media reference database through matching to metadata or play-list name, possibly with reference to a stored rating based on user input (col. 6, lines 64-67; col. 7, lines 1-6; col. 9, lines 14-21; col. 30, lines 29-37). These techniques of play-list creation (which determine what media references are served to end users) do not take advantage of the information implicit in associating lists, as the present invention does.

The present invention includes the significant improvement of a scoring system for media references/resources based on lists associating media references/resources (such as DJ playlists), an innovation providing performance beyond that of the Eyal invention (see claims 1 and 9 of the present application). The scoring system taps into the associations in the retrieved, parsed, and stored lists (of claims 1 and 9) to generate media references most likely to be relevant to

search criteria. The compiled associations between media references in the lists, which may be for example DJ play lists, give the described system the ability to find related media that would not be found by simple criteria-matching. The only scoring mechanisms described by Eyal are media resource ratings based on user input (col. 6, lines 11-63; col. 7, lines 7-47; col. 13, lines 21-26; col. 28, lines 60-67) and availability ratings (col. 25, lines 4-12). The method for selecting resources to serve to users is specified as matching search criteria (col. 9, 28-37; col. 20, lines 23-29; col. 11, lines 51-52; col. 12, lines 43-63) While Eyal mentions the possibility of automatically selecting media resources (e.g. claims 4 and 5, Eyal), no means of doing so is described beyond matching search criteria and pre-determined playlists (claims 67 and 68, Eyal).

The use of lists associating media segment references with each other and a scoring mechanism to find relevant media based on such lists is a significant innovation and improvement over Eyal and the rest of the current state of the art. In view of this and the above clarification, the authors ask that claims 1-16 of the present application be allowed.

Aaron Wolf Baum


Zachariah Journey Baum